

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NOEL JACKSON GUZMAN,

Plaintiff,

-against-

POLICE OFFICER BRIAN JAY,

Defendant  
----- X

**DECLARATION OF  
MORGAN D. KUNZ IN  
SUPPORT OF  
DEFENDANT'S MOTION  
FOR A SANCTIONS**

10-cv-06353 (ALC)(JCF)

**Morgan D. Kunz** declares, pursuant to 28 U.S.C. §1746, under penalty of perjury, that the following is true and correct:

1. I am a Senior Counsel in the Office of Jeffrey D. Friedlander, Acting Corporation Counsel of the City of New York, attorney for defendant Jay. As such, I am familiar with the facts stated below and submit this declaration to place the relevant documents on the record in support of Defendant Jay's motions, pursuant to Rules 50 and 59, of the Federal Rules of Civil Procedure.

A. Annexed hereto as Exhibit "A" is a copy of the transcript from the November 8 2013, pre-trial conference. At this conference the Court heard argument in regard to the parties motions *in limine*. Defendant provides this transcript to include a full record of the *in limine* proceedings with this motion.

B. Annexed hereto as Exhibit "B" is a copy of the transcript from the November 13, 2013, pre-trial conference. At this conference the Court heard argument in regard to the parties motions *in limine* and ruled on the motions *in limine*. Specifically, the Court ruled that prior complaints against Officer Jay were inadmissible under Fed. R. Evid. 403.

C. Annexed hereto as Exhibit “C” is a copy of the transcript from the December 4, 2013, pre-trial conference. At this conference the Court heard argument in regard to the parties motions *in limine* and ruled on the motions *in limine*. Here, the Court ruled on the reconsideration motion from Plaintiff seeking to admit a specific instance of a complaint against Defendant Jay. Again, the Court ruled this inadmissible under Fed. R. Evid. 403.

D. Annexed hereto as Exhibit “D” is a copy of the trial transcript, from December 9, 2013 until December 17, 2013. This documents Plaintiff’s Counsel’s deliberate and repeated violations of the Court’s rulings and other misconduct.

E. Annexed hereto as Exhibit “E” is a copy of Plaintiff’s Letter Motion for Reconsideration, Docket Entry 84, dated December 2, 2013. This document is included as it was rejected for filing from the Clerk.

F. Annexed hereto as Exhibit “F” is a copy of Defendant’s Letter Opposition to Reconsideration, Docket Entry 86, dated December 3, 2013. This document is included because it cannot be refiled until the Plaintiff’s re-file their December 2, 2013 letter motion for reconsideration.

Dated: New York, New York  
January 27, 2014

**JEFFREY D. FRIEDLANDER**  
Acting Corporation Counsel  
of the City of New York  
*Attorney for Defendant Jay*  
100 Church Street, Room 3-189  
New York, New York 10007  
(212) 356-2357

By: /s/  
Morgan D. Kunz  
Senior Counsel  
Special Federal Litigation Division

To: Jon Louis Norinsberg (By ECF and Hand)  
Law Offices of Jon L. Norinsberg  
*Attorneys for Plaintiff*  
225 Broadway, Suite 2700  
New York, NY 10007

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**JEFFREY D. FRIEDLANDER**

*Acting Corporation Counsel of the City of New York  
Attorney for Defendant Jay  
100 Church Street  
New York, New York 10007*

*Of Counsel: Morgan D. Kunz  
Tel: (212) 356-2357*

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*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2014*

*..... Esq.*

*Attorney for.....*